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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/955,061	09/19/2001	Soon-kyo Hong	1349.1028	8477	
21171 7	7590 09/10/2003				
STAAS & HALSEY LLP			EXAMINER		
SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			KIM, PA	KIM, PAUL D	
			ART UNIT	PAPER NUMBER	
			3729	0	
			DATE MAILED: 09/10/2003	9	

Please find below and/or attached an Office communication concerning this application or proceeding.

•	Application N .	Applicant(s)				
Office Action Commence	09/955,061	HONG ET AL.				
Office Action Summary	Examiner	Art Unit				
	Paul D Kim	3729				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).  Status	36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day fill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed /s will be considered timely. If the mailing date of this communication. ID (35 U.S.C. § 133).				
1) Responsive to communication(s) filed on						
	is action is non-final.					
3) Since this application is in condition for allowa						
closed in accordance with the practice under language.  Disposition of Claims	Ex parte Quayle, 1935 C.D. 11, 4	453 O.G. 213.				
4)⊠ Claim(s) <u>1-16</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) <u>1-16</u> are subject to restriction and/or e	election requirement.					
Application Papers	_					
9) The specification is objected to by the Examiner		minor				
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.						
If approved, corrected drawings are required in reply to this Office action.						
12) The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13)⊠ Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a	a)-(d) or (f).				
a)⊠ All b)□ Some * c)□ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
<ul> <li>Copies of the certified copies of the prior application from the International But</li> <li>See the attached detailed Office action for a list</li> </ul>	reau (PCT Rule 17.2(a)).					
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
<ul> <li>a)  The translation of the foreign language pro</li> <li>15) Acknowledgment is made of a claim for domesti</li> </ul>						
Attachment(s)	, , , , , , , , , , , , , , , , , , , ,					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal	y (PTO-413) Paper No(s) Patent Application (PTO-152)				

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while rotating the disc assembly.

## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1-4 and 14-16, drawn to a disc balancing device, classified in class
     subclass 603.03.
  - II. Claims 5-13, drawn to a method of balancing a disc, classified in class 29, subclass 603.09.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions Group II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process such as without measuring simultaneously an initial vibration
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 5. A telephone call was made to Mr. Stein on 8/28/2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

- 6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul D Kim whose telephone number is 703-308-8356. The examiner can normally be reached on Tuesday-Friday between 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5648.

pdk

PETER VO SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 3700

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